

**REMARKS**

This paper is in response to the Office Action mailed on June 1, 2005.

**Rejections Under 35 U.S.C. § 102(e)**

Claims 1-5, 20, and 23-26 were rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by Stis, U.S. publication no. 2004/0113781 (“Stis”). It is respectfully submitted that the Stis reference is not available as prior art to the claims of the present application.

The present application claims priority to U.S. Provisional Application No. 60/437,066, filed December 30, 2002, and is entitled to the benefit of the filing date of the provisional application. Stis was filed in the United States on July 24, 2003, nearly seven months *after* the Applicant’s effective filing date. As the language of 35 U.S.C. § 102 quoted in the Office Action indicates, “A person shall be entitled to a patent unless – (e) the invention was described in (1) an application for patent, published under section 122(b), by another *filed in the United States before the invention by the applicant for patent . . .*” (Emphasis added).

It is respectfully submitted that, in view of the Applicant’s timely claim to priority to the provisional application, the Applicant’s invention date presumptively pre-dates the filing of the Stis reference. Withdrawal of the rejection is therefore respectfully solicited.

**Rejections Under 35 U.S.C. § 103(a)**

Claims 9, 10, 12, 13, and 17 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable based on Stis. Claims 6, 14, 18 and 21 were rejected as being unpatentable based on Stis in view of Rodriguez, U.S. Patent No. 5,039,981 (“Rodriguez”). Claims 7, 8, and 19 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable based on Stis and Rodriguez in view of D’Anka, U.S. Patent No. 3,059,780 (“D’Anka”). Claims 11, 15 and 22 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable based on Stis and Rodriguez in view of Sillmunkes, U.S. Patent No. 4,400,002 (“Sillmunkes”). There is no separate basis provided in the Office Action alleging any of the

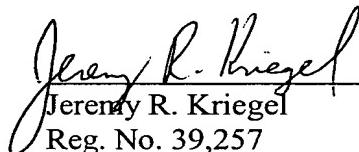
Appl No. 10/701,938  
Response of September 1, 2005  
Reply to Office Action of June 1, 2005

claims would have been obvious based on Rodriguez alone, or based on Rodriguez in view of D'Anka or Sillmunkes, separate from Stis. As discussed above, the Stis reference is not available as prior art to the Applicant's claims, because Stis was filed in the United States later than the Applicant's December 30, 2002 provisional application filing date. Withdrawal of these rejections is therefore respectfully solicited.

**CONCLUSION**

All rejections in the Office Action are based on Stis, either standing alone or as the primary reference. Inasmuch as Stis is not prior art to the present application, it is respectfully submitted that the Applicant's claims are allowable over the prior art of record. The Examiner's reconsideration and favorable action are respectfully requested.

Respectfully submitted,



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